

REMARKS

With this Response claims 1-2, 5-6, and 10-20 are amended herein. No claims are currently added or cancelled. Therefore, claims 1-20 are pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 7-8, 10-13, 16-17, and 19

Claims 1-4, 7-8, 10-13, 16-17, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0033650 of Wilson et al. (*Wilson*) in view of U.S. Patent Application Publication No. 2002/0006136 A1 of Mallory et al. (*Mallory*). Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons.

Claims 1-4

Claim 1 as amended recites the following:

receiving a data signal formatted according to a data communication protocol at a first data communication platform;
determining if the data communication protocol is supported by the first data communication platform; and
indicating to a second data communication platform to **receive the data signal at a by-pass path** of a filter engine of the second data communication platform if it is determined that the data communication protocol is supported by the first data communication platform.

The Office Action at page 2 indicates that *Wilson* fails to disclose indicating to the second data communication platform to bypass the data signal. The Office Action cites *Mallory* as disclosing a station in a network receiving a data signal, and a second station in the network ignoring the data signal if a bit in a header of the signal is set to the first station. Whether or not *Mallory* discloses what is asserted in the Office Action, Applicant respectfully submits that the cited references, whether alone or in combination, fail to disclose every element of the claims as required by MPEP § 2143 to establish a prima facie case of obviousness. For example, even if

the second station of *Mallory* ignores the signal, *Mallory* and *Wilson* fail to disclose or suggest a by-pass path of a filter engine, or indicating to a communication platform to receive a data signal at the by-pass path of the filter engine, as recited in claim 1.

Because the cited references fail, alone or in combination, to disclose at least this element of the claimed invention, Applicant submits that the references fail to render obvious the invention as recited in claim 1. Furthermore, claims 2-4 depend from claim 1, and thus necessarily include the limitations of claim 1; therefore, these claims are not rendered obvious by the cited references for at least the same reasons as claim 1.

Claims 7-8

Claim 7 recites the following:

An apparatus comprising:

- a first data communication platform** to receive a data signal formatted according to a data communication protocol, the first data communication platform to determine if the data communication protocol is supported by the first data communication platform; and
- a second data communication platform**, coupled to the first data communication platform, to receive an indication for receiving the data signal at a by-pass path of a filter engine of the second data communication platform if it is determined that the data communication protocol is supported by the first data communication platform.

The Office Action notes at page 2, that *Wilson* fails to disclose the invention as recited in claim 7. The Office Action at page 3 asserts that *Mallory* cures the deficiencies of *Wilson*. Applicant points out that the Office Action fails to discuss where in *Wilson* or *Mallory* the references are asserted to disclose an apparatus with first and second data communication platforms, as recited in claim 7. Applicant further respectfully points out that *Mallory* discusses "a frame-based communications **network consisting of a plurality of stations ...**" Para. [0011]. Even assuming, merely for purposes of argument, that *Wilson* were to disclose an apparatus with first and second data communication platforms, which Applicant does not concede, the

disclosure of *Mallory* fails to suggest that its method involving multiple stations across a network would function in an apparatus with first and second data communication platforms, as claimed. Thus, Applicant respectfully submits that the references fail to render obvious the invention as recited in claim 7. Because claim 8 depends from claim 7, claim 8 necessarily includes the limitations of claim 7, and therefore is not rendered obvious by the references for at least the reasons set forth for claim 7.

Claims 10-13, 16-17, and 19

Claim 10 as amended recites:

a storage medium having stored therein a plurality of instructions that are machine executable, wherein when executed, cause a machine to receive a data signal formatted according to a data communication protocol at a first data communication platform of a device, determine if the data communication protocol is supported by the first data communication platform, and indicate to a second data communication platform of the device to receive the data signal at a by-pass path of a filter engine of the second data communication platform if it is determined that the data communication protocol is supported by the first data communication platform.

Claim 16 similarly recites a storage medium having stored therein a plurality of instructions that are machine executable.

The Office Action asserts that *Wilson* and *Mallory* disclose the invention as recited in claims 10 and 16. Applicant notes that the Office Action fails to point out where the references disclose a storage medium having stored therein a plurality of instructions, as recited in these claims. As Applicant has understood, the cited references fail to disclose a storage medium having stored therein a plurality of instructions, as recited in claims 10 and 16. Because the cited references fail to disclose every aspect of the claims, prima facie obviousness under MPEP § 2143 has not been established. Claims 11-13, and 17 and 19 depend, respectively, from claims 10 and 16, and therefore are also directed to a storage medium having stored therein a plurality

of instructions, including the limitations of the claims from which they depend. Thus, the cited references fail to render obvious these claims for at least the reasons set forth above with respect to claims 10 and 16.

Claims 5, 14, and 20

Claims 5, 14, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wilson* and *Mallory* in view of U.S. Patent No. 5,550,803 issued to Crayford et al. (*Crayford*). Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons.

The Office Action at page 4 cites *Crayford* as disclosing incorporating tagging header information. Whether or not *Crayford* discloses appending information to a data signal, *Crayford* fails to cure the deficiencies of *Wilson* and *Mallory*, as set forth above. Whether alone or in combination, the cited references fail to disclose or suggest every element of the invention as recited in independent claims 1, 10, and 16. Therefore, *Wilson* and *Crayford* fail to render obvious the invention recited in claims 5, 14, and 20, which depend from claims 1, 10, and 16, respectively.

Claims 6, 9, 15, and 18

Claims 6, 9, 15, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wilson* and *Mallory* in view of U.S. Patent No. 5,953,340 issued to Scott et al. (*Scott*). Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons.

The Office Action at page 5 cites *Scott* as disclosing a network switch engine. Whether or not *Scott* discloses such, *Scott* fails to cure the deficiencies of *Wilson* and *Mallory*, as set forth above. Rather than disclosing receiving a data signal at a by-pass path of a filter engine, *Scott*

teaches away from the invention, discussing converting a data signal from one protocol to another. Col. 10, lines 36 to 41. Thus, whether alone or in combination, the cited references fail to disclose or suggest every element of the invention as recited in independent claims 1, 7, 10, and 16. Therefore, the cited references fail to render obvious the invention recited in claims 6, 9, 15, and 18, which depend from claims 1, 7, 10, and 16, respectively.

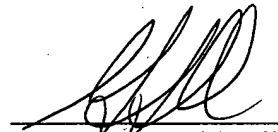
Conclusion

For at least the foregoing reasons, Applicant submits that all rejections have been overcome. Therefore, Applicant submits that all pending claims are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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